

REMARKS

Upon entry of the foregoing Amendment, claims 1-31 are pending in the application. Claims 1-30 have been amended. No claims are cancelled. Claim 31 is newly added. Applicant believes that this Amendment does not add new matter. In view of the foregoing Amendment and following Remarks, allowance of all the pending claims is requested.

CLAIM OBJECTIONS

The Examiner has objected to claims 28-29 under 37 C.F.R. § 1.75(a) as allegedly failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Office Action at 2. In particular, the Examiner alleges that the feature “the fourth module,” as previously recited in claims 28-29, lacks antecedent basis.

Applicants note that, solely in an effort to expedite prosecution, various claims have been amended to further clarify various aspects of the invention. For example, claims 28-29 have been amended to recite, among other things, “the blocking module” instead of “the fourth module.” For at least this reason, all of the features recited in amended claims 28-29 have proper antecedent basis. Accordingly, Applicants request that the Examiner withdraw this objection to the claims.

REJECTION UNDER 35 U.S.C. § 101

The Examiner has rejected claims 10-22 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Office Action at 2-4. In particular, the Examiner alleges that claims 10-15 and 16-22 define a computer system and a computer program product, respectively, which embody functional descriptive material. Furthermore, the Examiner has suggested amending the claims to recite “a computer readable medium or equivalent in order to make the claim statutory.” Office Action at 3-4.

Applicants note that, solely in an effort to expedite prosecution, various claims have been amended to further clarify various aspects of the invention, including independent claims 10 and 16, which have been amended to include the Examiner’s suggested language. For

example, amended claim 10 recites a system that includes, among other things, "at least one computer readable medium associated with a device coupled to the network," and amended claim 16 recites, among other things, a "computer readable medium containing computer executable instructions." For at least this reason, the claims produce a "useful, concrete, and tangible result," and are thus directed to statutory subject matter. Accordingly, Applicants request that the Examiner withdraw this rejection of the claims.

REJECTION UNDER 35 U.S.C. § 102

The Examiner has rejected claims 1-7, 10, 12-14, 16-20, 23, and 25-28 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,772,345 to Shetty ("Shetty"). Office Action at 5-11. Applicant traverses this rejection because Shetty does not disclose each and every feature of the claimed invention.

More particularly, Shetty does not disclose at least the feature of "blocking one or more subsequently received packets from being transmitted to the target system when a severity of the attack exceeds a predetermined threshold, the subsequently blocked packets including one or more of packets originating from the source system or directed to the target system," as recited in claim 1, for example. The Examiner alleges that Shetty discloses "blocking the data packets from entering the target system when [a] severity of [an] attack exceeds a predetermined threshold" at col. 5, lines 5-8. See Office Action at 6. Applicants disagree with the Examiner's assessment.

The relied upon portions of Shetty (i.e., col. 5, lines 5-8) specify that "messages entering or leaving the intranet pass through the firewall, which examines each message and blocks those that do not meet the specified criteria." Subsequent passages in Shetty apparently clarify the security criteria referenced by the cited portion of Shetty. Specifically, the criteria can include a mechanism that "looks at each packet entering or leaving the network and accepts or rejects it based on user-defined rules," that "applies security mechanisms to specific applications, such as FTP and Telnet servers," that "applies security mechanisms when a TCP or

UDP connection is established,” and/or that “intercepts all messages entering and leaving the network” (col. 5, lines 9-22).

At best, these passages indicate that Shetty uses a “firewall . . . [as] a first line of defense in protecting private information” (col. 5, lines 23-26). However, Shetty does not disclose security criteria, mechanisms, or any other technique used by the firewall for “blocking one or more subsequently received packets from being transmitted to the target system,” as recited in claim 1, for example. By contrast, Shetty provides additional security on top of the firewall by way of “protocol filters,” which scan a data stream for malwares and take “corrective action, for example, by filtering the malware out of the data stream” (e.g., col. 5, lines 27-45).

Moreover, the “protocol scanners” or “protocol filters” used in Shetty are limited to filtering malicious data that is currently passing through a network. As a result, Shetty does not disclose any mechanism for using the detection of malware to take prospective action, such as “blocking one or more subsequently received packets . . . originating from the source system or directed to the target system,” as recited in claim 1, for example. For at least this reason, Shetty fails to disclose all the features of at least claim 1. Accordingly, the rejection is improper and must be withdrawn.

Claims 10, 16, and 23 include features similar to those discussed above in reference to claim 1. Claims 2-7, 12-14, 17-20, and 25-28 depend from and add features to one of claims 1, 10, 16, and 23. Thus, the rejections of these claims are likewise improper and must be withdrawn for at least the same reasons.

REJECTION UNDER 35 U.S.C. § 103

The Examiner has rejected claims 8, 21, and 30 under 35 U.S.C. § 103 as allegedly being unpatentable over Shetty, and claims 9, 11, 15, 22, 24, and 29 under § 103 as allegedly being unpatentable over Shetty in view of U.S. Patent Application Pub. No. 2002/0166063 to Lachman, III et al. (“Lachman”). Applicant traverses these rejections because the Examiner has failed to establish a *prima facie* case of obviousness, for at least the reason that neither Shetty nor Lachman, either alone or in combination, disclose, teach, or suggest every feature of the claimed invention.

More particularly, for at least the reasons given above, Shetty does not disclose, teach, or suggest at least the feature of “blocking one or more subsequently received packets from being transmitted to the target system when a severity of the attack exceeds a predetermined threshold, the subsequently blocked packets including one or more of packets originating from the source system or directed to the target system,” as recited in claim 1, for example. Lachman fails to cure at least this deficiency of Shetty.

Claims 10, 16, and 23 include features similar to those discussed above in reference to claim 1. Claims 8-9, 11, 15, 21-22, 25, and 29-30 depend from and add features to one of claims 1, 10, 16, and 23. Thus, the rejections of these are likewise improper and must be withdrawn for at least the same reasons.

CONCLUSION

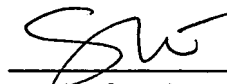
Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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